

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
HATTIESBURG DIVISION**

MYLENE L. VIVERETTE	§	PLAINTIFF
	§	
v.	§	CAUSE NO. 2:05CV368 LG-JMR
	§	(CONSOLIDATED)
	§	
HOME DEPOT U.S.A., INC.	§	DEFENDANT

ORDER DENYING MOTION TO SEAL

THE MATTER BEFORE THE COURT is Plaintiffs' Motion [152] to Seal Exhibits A and K and Request for Review *In Camera* of Exhibit K, filed February 27, 2008. After due consideration of the Motion and the relevant law, it is the Court's opinion that the Motion is not well-taken and should be denied.

DISCUSSION

The above-captioned case is one of five related employment discrimination cases filed against Home Depot U.S.A., Inc. The parties filed a stipulation to limited dismissal [149] in which they agreed that the Court would retain jurisdiction for the purpose of determining Plaintiffs' reasonable attorneys' fees and costs. As part of their application for attorneys' fees and costs, Plaintiffs seek to file, under seal, their settlement agreements and representation contracts.

Filing documents under seal is disfavored, as all documents filed with the Court are presumptively public records. *See* UNIFORM LOCAL RULE 83.6. Documents should be filed under seal only in unusual circumstances, for good cause shown. *Id.* The Court has reviewed Plaintiffs' application for attorneys' fees and costs in conjunction with the Motion to Seal, and finds that Plaintiffs have not shown good cause for their request. The parties have stipulated to

the Court's jurisdiction to determine reasonable fees and costs, and therefore that issue is established without the necessity of reviewing the settlement agreements. Furthermore, the representation contracts, alleged to be contingency fee contracts, cannot be used to affect the lodestar as a matter of law. *See Reyes v. Spur Discount Store No. 4*, 2007 WL 2571905 * 5 (E.D. La. Aug. 31, 2007). Therefore, these documents will be irrelevant to the Court's determination of reasonable attorneys' fees. For these reasons, the Court will deny Plaintiffs' request to file documents under seal and/or review documents *in camera*.

IT IS THEREFORE ORDERED AND ADJUDGED that Plaintiffs' Motion [152] to Seal Exhibits A and K and Request for Review *In Camera* of Exhibit K is **DENIED**.

SO ORDERED AND ADJUDGED this the 4th day of March, 2008.

s/ *Louis Guirola, Jr.*

Louis Guirola, Jr.
United States District Judge